

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14351-14400

[Approved by the Secretary of Agriculture, Washington, D. C., October 23, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14351. Adulteration and misbranding of white flour middlings. U. S. v. New Richmond Roller Mills Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19663. I. S. Nos. 21867-v, 21868-v, 21869-v, 21870-v, 21876-v.)

On September 1, 1925, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the New Richmond Roller Mills Co., a corporation, New Richmond, Wis., alleging shipment by said company in violation of the food and drugs act, in various consignments from the State of Wisconsin, on or about August 22, September 2, 10, and 11, 1924, respectively, into the State of Ohio, and on or about August 30, 1924, into the State of Indiana, of quantities of white flour middlings which were adulterated and misbranded. The article was labeled in part: "Doughboy * * * New Richmond Roller Mills Co. New Richmond, Wisconsin. 100 Lbs. Fancy White Flour Middlings"

Adulteration of the article was alleged in the information for the reason that a substance, to wit, ground screenings, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for fancy white flour middlings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Fancy White Flour Middlings," borne on the labels, was false and misleading, in that the said statement represented that the article consisted wholly of fancy white flour middlings, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of fancy white flour middlings, whereas it did not but did consist in part of ground screenings, which were undeclared upon the label.

On March 6, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14352. Misbranding of cottonseed meal and cake. U. S. v. 185 Sacks of Cottonseed Meal and 200 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21021. I. S. Nos. 456-x, 457-x. S. No. W-1956.)

On April 21, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 185 sacks of cottonseed meal and 200 sacks of cottonseed cake,

remaining in the original unbroken packages at Denver, Colo., consigned by the Childress Cotton Oil Co., Childress, Tex., alleging that the article had been shipped from Childress, Tex., on or about March 31, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Prime Cottonseed Meal or Cake * * * Guaranteed Analysis Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein not less than 43 per cent," borne on the labels, was false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On May 20, 1926, the Childress Cotton Oil Co., Childress, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

14353. Adulteration and misbranding of salad oil and misbranding of olive oil. U. S. v. Elias Germack. Tried to a jury. Verdict of guilty. Fine, \$450. (F. & D. No. 17696. I. S. Nos. 1536-v, 2088-v, 2089-v, 2090-v.)

On November 13, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elias Germack, a member of a copartnership trading as the Armenian Importing Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about September 26, 1922, from the State of New York into the State of Pennsylvania, of quantities of olive oil which was misbranded, and on or about October 14, 1922, from the State of New York into the State of Rhode Island, of a quantity of salad oil which was adulterated and misbranded. The olive oil was labeled in part: (Can) "Pure Olive Oil Soprafino Italia Brand * * * Net Conts. $\frac{1}{8}$ Gall." (or "Net Contents $\frac{1}{4}$ Gall." or "Net Contents $\frac{1}{2}$ Gall."). The salad oil was labeled in part: (Can) "Superior Quality Oil Greek Patriot Brand Winter Pressed Cotton Salad Oil Flavored With High Grade Olive Oil A Compound Net Contents 1 Gall."

Misbranding of the olive oil was alleged in the information for the reason that the statements "Net Conts. $\frac{1}{8}$ Gall.," "Net Contents $\frac{1}{4}$ Gall.," and "Net Contents $\frac{1}{2}$ Gall.," borne on the various sized cans containing the article, were false and misleading, in that the said statements represented that each of said cans contained $\frac{1}{8}$ gallon, $\frac{1}{4}$ gallon or $\frac{1}{2}$ gallon, as the case might be, of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained $\frac{1}{8}$ gallon, $\frac{1}{4}$ gallon, or $\frac{1}{2}$ gallon, as the case might be, of olive oil, whereas the said cans did not each contain the amount represented on the label but did contain a less amount.

Adulteration of the salad oil was alleged for the reason that a product which contained no flavor of olive oil had been substituted for a product flavored with olive oil, which the article purported to be.

Misbranding of the salad oil was alleged for the reason that the statements, to wit, "Flavored With High Grade Olive Oil," and "Net Contents 1 Gall.," borne on the label, were false and misleading, in that they represented that the article was a product flavored with high grade olive oil and that each of the cans contained 1 gallon net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was flavored with high grade olive oil and that each of the said cans contained 1 gallon net thereof, whereas the article was not a product flavored with high grade olive oil but was a product which contained no flavor of olive oil, and each of the cans did not contain 1 gallon of the article but did contain a less amount.

Misbranding was alleged with respect to both products for the further reason that they were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.